

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RIO TINTO PLC,

Plaintiff,

X

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Case No. 14-cv-3042 (RMB)(AJP)

- v -

VALE, S.A., et al.,

Defendants.

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X

**DECLARATION OF PAUL E. SUMMIT IN
SUPPORT OF MAHMOUD THIAM'S OBJECTION TO
MAGISTRATE JUDGE ANDREW J. PECK'S FEBRUARY 1, 2016 ORDER**

PAUL E. SUMMIT, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner at the law firm of Sullivan & Worcester LLP, counsel to defendant Mahmoud Thiam ("Thiam"), and an attorney admitted to practice in the Southern District of New York.
2. I submit this Declaration in support of Thiam's objection to Magistrate Judge Andrew J. Peck's February 1, 2016 Order (the "Order") permitting Vale, S.A. ("Vale") the use of certain documents produced by Thiam and his banks in this litigation, and protected by the protective order filed in this case, in Vale's separate proceeding before the London Court of International Arbitration against BSG Resources Limited, *Vale S.A., vs. BSG Resources Limited*, LCIA Arb. No. 142683. I am fully familiar with the facts of this case.
3. Attached as Exhibit A is a true and correct copy of the Order, which filed in this case as ECF Doc. No. 416.
4. Attached as Exhibit B is a true and correct copy of defendant Vale's letter application to the Court dated February 1, 2016.

5. Attached as Exhibit C is a true and correct copy of the transcript of the July 29, 2014 hearing before Magistrate Judge Peck.

6. Attached as Exhibit D is a true and correct copy of the Stipulated Protective Order filed in this case on August 12, 2014 as ECF Doc. No. 81.

7. Attached as Exhibit E is a true and correct copy of plaintiff Rio Tinto's September 3, 2015 subpoena to UBS Financial Services Inc.

8. Attached as Exhibit F is a true and correct copy of a letter I sent to Jonathan Blackman, Esq. of Cleary Gottlieb Steen & Hamilton LLP, dated January 26, 2016.

9. Attached as Exhibit G is a true and correct copy of a letter I sent to Jonathan Blackman, Esq. of Cleary Gottlieb Steen & Hamilton LLP, dated January 28, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 16, 2016

/s/ Paul E. Summit
Paul E. Summit